

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SANJUANA QUIROZ, Individually and on  
Behalf of all Others Similarly Situated,

Plaintiff,

v.

No. 2:21-cv-1197 SMV/KRS

DCT ENTERPRISES OF NEW MEXICO, LLC,

Defendant.

**SECOND ORDER TO SHOW CAUSE**

**THIS MATTER** comes before the Court *sua sponte*. Plaintiff initiated this action on December 17, 2021. (Doc. 1). On May 16, 2022, Plaintiff filed a Motion for Clerk's Entry of Default under Federal Rule of Civil Procedure 55(a) as to Defendant DCT Enterprises of New Mexico, LLC, (Doc. 5), which the Clerk entered on June 14, 2022, (Doc. 6). Since that time, Plaintiff has taken no further action in this case, such as moving for default judgment under Rule 55(b).

The Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency. *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). Additionally, under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M.LR-CIV. 41.1. Based upon the lack of activity in this case, Plaintiff will be required to show cause why this case should not be dismissed.

**IT IS THEREFORE ORDERED** that on or before August 26, 2022 Plaintiff shall file with this Court a response to this Order showing cause why this case should not be dismissed for

failure to prosecute. Plaintiff is also hereby notified that failure to respond to this Order may result in dismissal without further notice.



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE